# 2017 ANNUAL REPORT

New Jersey Highlands Water Protection and Planning Council April 19, 2018



STATE OF NEW JERSEY Office of the Governor p.o. box 001 Trenton 08625 (600) 292-6000

PHILIP D. MURPHY GOVERNOR

April 18, 2018

Dear Friends,

The New Jersey Highlands is among the most precious natural resource areas of our state. Protecting this region is critical to ensuring we achieve well-balanced goals regarding environmental infrastructure, clean air and, of course, clean water.

As the most densely populated state in the region, it is vital that we preserve open space and encourage long-term planning for smart growth in the parts of our state that are already developed so that the necessary infrastructure is there to meet these needs. Protection of critical natural resources in the Highlands region, which provides drinking water for more than half our state's residents, cannot and will not be compromised.

I am committed to protecting the beautiful and ecologically significant areas of New Jersey. I look forward to working with the Highlands Council and its staff to reinvigorate our commitment to ensuring the environmental standards of the Highlands Act are fully upheld and thoroughly implemented.

Sincerely,

Governor

# Table of Contents

A Message from the Chairman and Executive Directori
The New Jersey Highlands Water Protection and Planning Counciliii
Highlands Water Useiv
Protecting the New Jersey Highlands Regionv
In Memoriam: Christine Rossv
Land Preservation Update
Highlands Open Space Partnership Funding Program & Highlands Development
Credit Purchase Program1
Highlands Conservation Act Grant Award1
Regional Master Plan (RMP) Monitoring
Plan Conformance Petition and Implementation Status
Resource Management Planning
Highlands Center Planning
Municipal Exemption Determinations7
Plan Conformance Grant Program
Wastewater Management Plans and Water Quality Management Plan Amendments10
Project Reviews
Outreach and Transparency14
Statement of Activities and Financial Report15
Plan Conformance Petition Status
Highlands Region Map 17-18
Highlands Development Credit Bank Report
HDC Purchase Program
TDR Receiving Zones
HDC Registry
A Note from Chairman Rilee



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### A Message from the 2017 Chairman and Executive Director

March 15, 2018

Dear Friends of the New Jersey Highlands,

On behalf of the New Jersey Highlands Water Protection and Planning Council we are pleased to present this Annual Report. In 2017, the Highlands Council continued to make great strides in advancing the goals of the Highlands Act and the Regional Master Plan (RMP).

On the landowner equity and land preservation front, 2017 proved to be a very successful follow-up to the launch of our new open space programs in 2016. After receiving 62 qualifying applications and approving funding for 28 of those in 2016, the Highlands Development Credit (HDC) Bank approved extending offers to the remaining 34 applicants in 2017. Fourteen (14) of those approvals proceeded to closing in 2017, providing \$4.9 million to landowners in the Preservation Area of the Highlands Region and ensuring the permanent protection of the resources on their properties, totaling 512.5 acres.

When all transactions are completed, this new program will have protected more than 2,100 acres and provided \$20.4 million to property owners. This is in addition to the 600 acres protected and \$9 million provided through the Initial Purchase Program.

Another 116 acres was preserved in 2017 with the closing of the first transaction in our Open Space Partnership Funding Program. In this matching grant program, the Highlands Council partners with government and nonprofit entities to facilitate the acquisition of open space. In 2017, 13 projects were approved by the Highlands Council for funding, including a project with Kinnelon Borough to preserve property near Untermeyer Lake. The Borough had identified the property for preservation and had been working for some time to find the funding to make the acquisition. The Highlands Council collaborated with the Trust for Public Land, the Morris County Preservation Trust, the Morris County Freeholders and the Borough of Kinnelon to complete the deal. For more information, see the Success Story on page 2.

Another significant milestone in 2017 was the completion of our first-ever RMP review. The Monitoring Program Recommendation Report (MPRR) is the result of nearly three years' work, involving stakeholder and public input, data analysis and staff input. The MPRR provides a framework for future monitoring and includes recommendations for possible revisions and amendments to the RMP. An initial draft of the MPRR was released for public comment in July with a revised final draft presented to the Highlands Council in October.

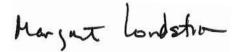
In anticipation of potential amendments to the RMP, Council also drafted a procedure for considering and incorporating amendments in early 2017. The draft procedure was reviewed and revised at several public Council meetings before being released for a schedule of six public hearings in August. A revised final procedure was presented to the Council in October.

These are just some of the most notable Highlands Council accomplishments from 2017. The following pages provide additional details on the Highlands Council's continued work with constituents and stakeholders across the Region to protect the vital resources of our area.

Zikila

Jim Rilee, Chairman Highlands Water Protection and Planning Council





Margaret Nordstrom, Executive Director Highlands Water Protection and Planning Council



# Highlands Water Protection and Planning Council 2017



Jim Rilee, Chairman Roxbury, Morris County Council Member, Roxbury Township; Former Mayor, Deputy Mayor, and Planning Board Member



Kurt Alstede, Vice Chairman Chester Township, Morris County Founder, Alstede Farms Former Councilman, Chester Township



Robert F. Holtaway, Treasurer Bedminster, Somerset County Former Mayor, Bedminster Township



Tracy Carluccio East Amwell, Hunterdon County Deputy Director, Delaware Riverkeeper Network



Bruce James Clifton, Passaic County Freeholder Deputy Director, Passaic County



James A. Visioli Dover, Morris County Alderman, Dover Town



**Timothy P. Dougherty** *Morristown, Morris County* Mayor, Town of Morristown



Carl J. Richko West Milford, Passaic County Former Mayor, West Milford Township



**Richard Vohden** Andover, Sussex County Former Freeholder, Sussex County



Michael R. Dressler Cresskill, Bergen County Bergen County Surrogate



Michael Sebetich Hawthorne, Passaic County Retired Professor of Biology, William Paterson University



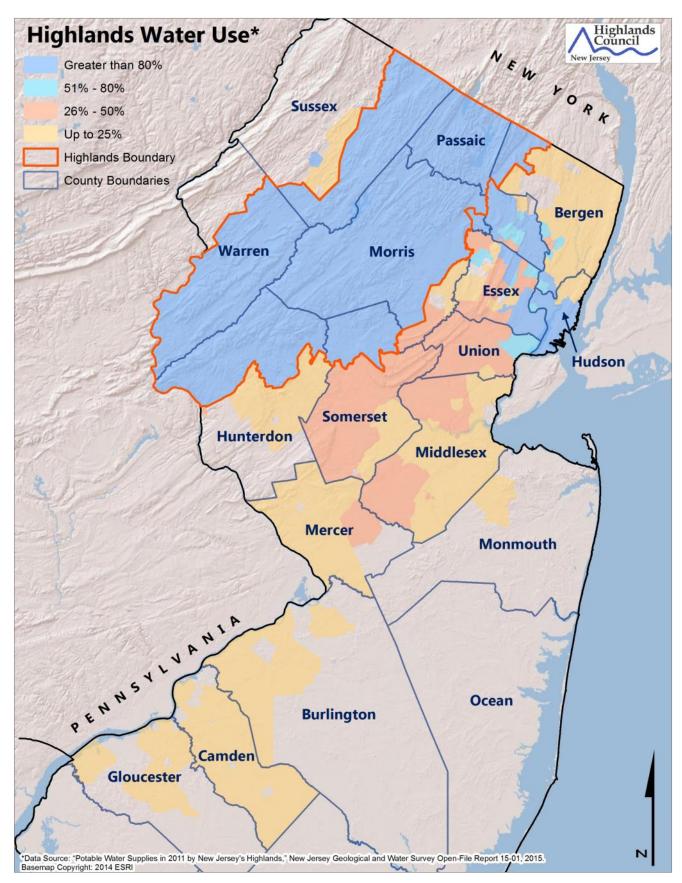
Michael Francis Hopatcong, Sussex County Mayor, Hopatcong Borough



**Michael Tfank** *West Milford, Passaic County* Former Planning Board Chair, West Milford



**Robert G. Walton** *Hampton, Hunterdon County* Freeholder, Hunterdon County



The Highlands Region covers less than 15% of the state's land area, but provides drinking water to more than 300 municipalities that are home to 70% of New Jersey's population. While the Region's forests and open spaces retain and filter large quantities of water, sprawl development has transformed communities and impaired nature's ability to do that job. Because families, farms and businesses all depend on a steady supply of clean water, and water resources do not follow municipal boundaries, a regional approach is required to protect and conserve the vital natural resources of the Highlands.

### Protecting the New Jersey Highlands

The Highlands Water Protection and Planning Council (Highlands Council) is a regional planning agency that works in partnership with municipalities and counties in the Highlands Region to encourage a comprehensive regional approach to implementing the 2004 Highlands Water Protection and Planning Act (the Highlands Act).

The Highlands Act established the Highlands Council and charged it with the creation and adoption of a regional master plan to protect and enhance the natural resources within the New Jersey Highlands. The final Highlands Regional Master Plan (RMP) was adopted by the Highlands Council on July 17, 2008 and became effective on September 8, 2008.

The Highlands Act also delineated the boundaries of the New Jersey Highlands Region, dividing it into a "Preservation Area" and a "Planning Area," specifying that the Preservation Area was of exceptional natural resource value that required stringent protections.

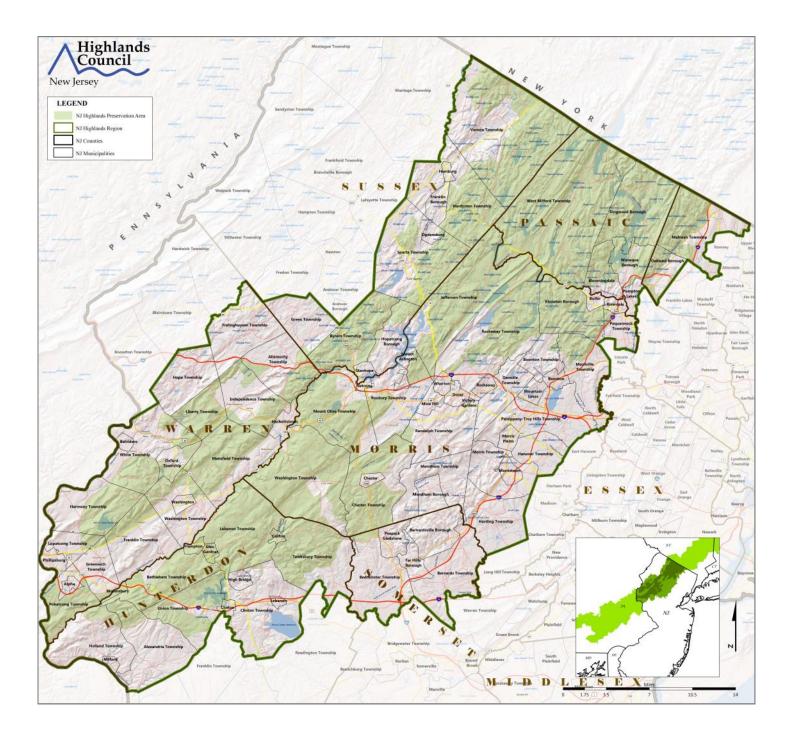
The 1,300-square mile (860,000-acre) New Jersey Highlands Region extends from Pohatcong Township in the southwest to Mahwah Township in the northeast, including 88 municipalities and portions of seven counties (Bergen, Hunterdon, Morris, Passaic, Somerset, Sussex, and Warren). Although the Highlands Region covers less than 15% of the state's land area, it provides drinking water to more than 300 municipalities that are home to 70% of New Jersey's population.

#### In Memoriam Christine Ross

In early July, the Highlands Council staff mourned the passing of a valued colleague and dear friend. Chris Ross joined the Highlands Council in 2006 as the Regional Master Plan (RMP) was just being developed. As a Senior Resource Management Specialist, Chris was instrumental in the development of the Ecosystem Management Technical Report and the RMP itself. Chris was exceptionally devoted to the mission of the Council and a passionate advocate for the entire Highlands Region. Her knowledge, expertise, and generosity of spirit continue to be missed every day.



Photo: Facebook



The federal Highlands Region stretches from Southeastern Pennsylvania through parts of New Jersey, New York and into Connecticut. Recognizing the significance and value of the resources within this region, the State Legislature of New Jersey passed the Highlands Water Protection and Planning Act (the Highlands Act) in 2004.

### Land Preservation Update

#### Highlands Open Space Partnership Funding Program & Highlands Development Credit Purchase Program

The Highlands Council operates two programs focused on land preservation: the Highlands Open Space Partnership Funding Program (Open Space Program) and Highlands Development Credit Purchase Program (HDC Purchase Program). Both programs are designed to increase protection of Highlands resources while also advancing landowner equity priorities, through acquisition or deed restriction of Preservation Area lands. The programs are administered under the provisions of N.J.A.C. 7:70, Highlands Open Space Partnership Funding and Highlands Development Credit Purchase Program.

The Open Space Program is a matching grant program that is open to government and nonprofit entities. The Highlands Council provides up to a 50% match for acquisitions in fee simple or via deed restriction. The HDC Purchase Program is a deed restriction program open to individual property owners wishing to retain ownership of their property while placing a conservation easement on the land.

In 2017, the Highlands Council moved forward with and completed a number of acquisitions in both programs. Notably, the Council completed its very first acquisition in the Open Space Program, helping facilitate the protection of 116 acres near Untermeyer Lake in Kinnelon Borough (see Success Story on the next page). An additional 12 projects have been approved, representing 3,484 acres in the Highlands Region and a Highlands Council investment of \$4.5 million (total \$11.6 million valuation).

In the HDC Purchase Program, the HDC Bank and Highlands Council approved all remaining applications of the 62 that were received in 2016, and closed on 14 properties. For complete details on the HDC Purchase Program, see the Highlands Development Credit Bank Report on page 19.

#### Highlands Conservation Act Grant Award

For the second year in a row, the Highlands Council was awarded \$2.4 million from the federal Highlands Conservation Act Grant Program administered by the United States Fish and Wildlife Service (USFWS). This funding will be used to help protect 586 acres through the purchase of conservation easements on ten properties in the HDC Purchase Program.

Properties included in the 2017 award are located in Morris, Hunterdon, and Warren Counties. Properties are also located within areas mapped as "Protection Zone" or "Conservation Zone" in the Highlands RMP, and are also ranked as having either high or moderate resource conservation values in the 2002 New York-New Jersey Highlands Regional Study as required by the funder.

The Highlands Council anticipates closing on all properties within 18-24 months.

# Open Space Success Story First closing in Highlands Open Space Partnership Funding Program

In July 2017, the Highlands Council announced the completion of a transaction to permanently protect 116 acres in Kinnelon Borough. The property, near Untermeyer Lake, lies within the "Special Environmental Zone," a designation within the Highlands Regional Master Plan (RMP) that indicates the property is critical to the protection of water resources in the Highlands.

The tract is a high groundwater recharge area, consisting of a mature mixed hardwood forest, steep slopes and some freshwater wetlands. The property offers a diverse habitat that supports a variety of state threatened and endangered species. The preserved property sits between Pequannock's Mountainside Park and Morris County's Waughaw Greenway to the south.

The Greenway provides linkages that encourage multiple recreational uses for hikers, bikers and pedestrians between local, county, state and nonprofit recreational facilities in the region. The Morris County Park Commission plans to create a network of mountain bike trails linking these areas.



Untermeyer Lake, Kinnelon Borough, Morris County.

Other partners in the project included The Trust for Public Land (TPL), the Morris County Preservation Trust, the Morris County Board of Freeholders, and Kinnelon Borough. The property will be owned by the Borough, and managed in collaboration with the Morris County Park Commission. The Highlands Council contributed \$300,000 toward the total purchase price of \$1.1 million.

# Regional Master Plan (RMP) Monitoring

In July 2017, the Highlands Council released a draft Monitoring Program Recommendation Report (MPRR), for public comment. The culmination of more than two years of work, the MPRR provides an examination of progress made toward achieving the goals of the Highlands Act through implementation of the RMP, and includes recommendations for possible revisions and amendments. A review and update of the RMP is required by the Highlands Act, and in September 2014 the Council launched a monitoring program designed to provide a baseline analysis of RMP implementation to date.

Comments on the MPRR were accepted through September 10. A revised final draft, incorporating changes as a result of public comment, was presented to the Council and posted to the Highlands Council website in October. Council consideration of the MPRR is ongoing.

Also in 2017, in anticipation of the finalization of the MPRR and an accompanying work plan to move recommendations forward, the Council prepared a procedure for considering proposals to amend the RMP. The procedure was first presented to the Council and released to the public in January 2017. Six public hearings were held in September and a revised final draft procedure, incorporating changes as a result of public hearings and comments, was presented to the Council and released to the public in October. Council consideration of the procedure is ongoing.

### **Plan Conformance Petition and Implementation Status**

Plan Conformance is the process by which municipalities and counties bring their regulatory and planning documents into alignment with the goals, policies, and objectives of the RMP. Although the Highlands Council and NJDEP have regulatory authority over certain aspects of development



Lebanon Borough, Hunterdon County

in the region, the Act placed significant responsibility for implementation at the local government level.

Conformance with the RMP involves primarily two phases: petition and implementation. During the petition process, municipalities and counties work in collaboration with Highlands Council staff to prepare draft documents that will integrate the land use and resource management requirements of the Highlands Act into local planning and regulatory documents. Once a Petition for Plan Conformance is approved by the Highlands Council, work begins on implementation, which involves finalizing those documents for local adoption, and ongoing planning and management of resources.

Conformance with the RMP is required by the Highlands Act throughout the Preservation Area and is voluntary within the Planning Area. Conforming Highlands municipalities are eligible for grant funding to support the reasonable expenses associated with planning activities related to Plan Conformance.

Of the 88 municipalities in the Highlands Region, 59 have submitted petitions and are working toward conformance with the RMP. Of the 59 petitions for Plan Conformance submitted, 29 include Preservation Area lands only, 22 petitions include both Planning and Preservation Area lands, and 8 petitions are from municipalities that only have Planning Area lands.

To date, 50 of the 59 submitted municipal petitions have been approved by the Highlands Council. In addition, five of the seven counties in the region have submitted petitions and two of those have been approved. In all, this represents more than 471,000 acres or more than 50% of the land in the Highlands Region where approved Plan Conformance Petitions and the Plan Conformance process provide a framework for implementation of the Highlands Act and RMP.

In 2017, municipalities with approved petitions continued work on the adoption of ordinances, resolutions, and other elements that bring local plans and regulations into conformance with the RMP. Below is a summary of progress on some of the core components of Plan Conformance.

Plan Conformance Ordinance, Resolution, or Element	Adopted in 2017	Total adopted to date
Planning Area Petition Ordinance	0	22
Master Plan Reexamination Report	0	31
Highlands Environmental Resource Inventory	0	34
Highlands Master Plan Element	1	24
Highlands Land Use Ordinance*	3	10
Highlands Referral or Highland Referral Approach Ordinance*	0	43
Exemption Determination Authorization Ordinance	1	28

\*The Highlands Land Use Ordinance, Referral, and Referral Approach Ordinances all require the same level of protection and review against the standards of the Highlands Regional Master Plan.

In addition to these foundational elements of Plan Conformance, Municipalities and Counties work in collaboration with the Highlands Council on a wide array of planning efforts that help advance local goals, while simultaneously furthering the goals of the Highlands Act. These can include stormwater management plans, water use and conservation management plans, sustainable economic development plans, or redevelopment plans among others. Of particular note in 2017, both High Bridge Borough in Hunterdon County and the town of Phillipsburg in Warren County adopted Historic Preservation Plans that were developed with funding from the Highlands Council. These plans provide an analysis of historic resources and programs in place, and recommendations for continued protections and expansions, where feasible.

#### **Tracking Progress: Plan Conformance**

The Plan Conformance process can be tracked on the Highlands Council website in a number of ways.

#### **Municipal and County Pages**

Each Highlands municipality and county has its own page on the Highlands Council website, where petition materials and adopted documents are posted: www.nj.gov/njhighlands/planconformance/status/ (This link is also accessible from the Highlands Council homepage under "Quick Links")

#### **Tracking Sheets**

<u>Municipal Plan Conformance Tracking Sheet</u> (pdf) – Tracks Plan Conformance Petition status. <u>Municipal Plan Conformance Implementation Tracking Sheet</u> (pdf) – Tracks progress on implementation tasks.

### **Resource Management Planning**

Among the requirements of Plan Conformance are a number of resource management planning tasks. In accordance with the Highlands Act and the Highlands RMP, the Highlands Council provides technical assistance to support our municipal partners in this endeavor. More information about Highlands Council Resource Management Plans and Programs is available at: <a href="https://www.nj.gov/njhighlands/planconformance/guidelines/resource.html">www.nj.gov/njhighlands/planconformance/guidelines/resource.html</a>

In 2017, several municipalities held kick-off meetings and took initial steps in the development of Water Use and Conservation Management plans, following the successful completion of a pilot program in 2016. Municipal work also continued on Stormwater Management planning efforts supported by Highlands Council technical guidance.

Highlands Council technical staff continue to actively engage with municipalities to encourage updates to natural resource inventories and the development of resource management plans that bring local efforts into alignment with the RMP.

### Highlands Center Planning

The Highlands Act encourages center-based development and redevelopment, which may be achieved through Highlands Center designations incorporated into a municipality's Petition for Plan Conformance.

A Highlands Center is a specific geographic area that has been identified by the municipality in collaboration with Highlands staff as appropriate for development. Municipalities with approved Highlands Center designations engage in an enhanced planning process that seeks to implement resource protections while supporting development and redevelopment opportunities.

In 2017, work continued on Center planning activities in the 12 previously approved Highlands Centers (see table below). Both Oxford Township in Warren County and Wharton Borough in Morris County made significant progress in the past year and are well positioned to adopt Highlands Center plans and effectuating ordinances in 2018. The town of Phillipsburg in Warren County held a very successful stakeholder planning meeting regarding the Union Square section of Town.

In addition, the Highlands Council continues to work to help define potential Highlands Centers in other conforming Planning Area municipalities.

Approved Highlands Centers (as of December 31, 2017)					
Bergen	Mahwah Township				
Morris	Randolph Township, Washington Township, Wharton Borough				
Sussex	Byram Township, Hopatcong Borough				
Warren	Alpha Borough, Hackettstown, Lopatcong Township, Oxford Township, Phillipsburg, Pohatcong Township				



Waterloo Village, Byram Township, Sussex County

# **Municipal Exemption Determinations**

The Highlands Act includes 17 exemptions that allow property owners to develop or improve their properties without applying the enhanced protections prescribed in the Act (P.L. 2004, c. 120 C.13:20-28). The New Jersey Department of Environmental Protection (NJDEP) administers applications for exemption determinations in the Preservation Area while the Highlands Council oversees applications in the Planning Area. Previous guidance from DEP indicated that municipal officials who could conclude by inspection that a project was exempt from the Highlands Act, could proceed with issuing local permits; however, the municipality could not issue a letter declaring the project exempt from the Highlands Act.

In 2012, the Highlands Council entered into a Memorandum of Understanding with NJDEP that outlined a plan to authorize municipalities to administer seven exemptions. The agreement provides a streamlined approach to issuing some of the most common exemptions, expediting the process for landowners by allowing municipal officials to make exemption determinations at the local level.

Exemptions Eligible for Municipal Determination				
Exemption 1.	The construction of a single family dwelling for owner's own use			
Exemption 2.	The construction of a single family dwelling with conditions			
Exemption 4.	The reconstruction of any building or structure with conditions			
Exemption 5.	Any improvement to a single family dwelling			
Exemption 6.	Any improvement, for non-residential purposes, to a place of worship owned by a nonprofit entity, society or association, or association organized primarily for religious purposes, or a public or private school, or a hospital			
Exemption 7.	An activity conducted in accordance with an approved woodland management plan			
Exemption 8.	The construction or extension of trails with non-impervious surfaces on publicly or privately owned lands			

Note: Descriptions above are only summaries of the seven exemptions eligible for municipal decision. The complete list and full text of all exemptions can be found in the Highlands Act, on the Highlands Council website, or by contacting the Highlands Council. All local zoning, land use ordinances, state and federal regulations still apply.

A municipal exemption training program was launched in 2013 and, to-date, 28 municipalities have adopted a Highlands Area Exemption Ordinance and been issued certifications to administer the select exemptions. A training session was offered in June 2017 and attended by 12 individuals representing ten municipalities. In 2017 three municipalities were certified to issue exemptions at the local level: Bethlehem Township, Hunterdon County; Bedminster Township, Somerset County; and Hackettstown, Warren County. Below is a list of municipalities certified to make determinations regarding the specified exemptions. In 2017, more than 100 exemption determinations were made at the local level. Most were for Exemption 5.

Municipal Determinations: Certified Municipalities (as of December 31, 2017)					
Bergen	Mahwah Township				
Hunterdon	Alexandria Township, Bethlehem Township, Califon Borough, Clinton Township, High Bridge Borough, Lebanon Township				
Morris	Chester Township, Jefferson Township, Montville Township, Mount Arlington Borough, Mount Olive Township, Washington Township				
Passaic	Ringwood Borough, West Milford Township				
Somerset	Bedminster Township				
Sussex	Byram Township, Hardyston Township, Hopatcong Borough, Sparta Township, Vernon Township				
Warren	Allamuchy Township, Franklin Township, Hackettstown, Harmony Township, Oxford Township, Pohatcong Township, Washington Township				

### Plan Conformance Grant Program

The Highlands Act requires that the Highlands Council provide grant funding for reasonable expenses associated with Plan Conformance requirements (P.L. 2004, c. 120 C.13:20-18.b.). The Highlands Protection Fund was created in the Act (P.L. 2004, c. 120 C.13:20-19) to provide municipalities and counties with funding to complete Plan Conformance implementation tasks, including items such as amended development regulations, plans for Highlands Centers, resource

management plans, agricultural retention plans, and sustainable economic development plans.

The Highlands Plan Conformance grant program, funded through the Highlands Protection Fund, is a reimbursement-based program in which municipalities are provided with an Implementation Plan and Schedule at petition approval that delineates implementation tasks, timing, and anticipated expenses. Municipalities then work with Highlands Council staff to develop a scope of work and budget for each task. When tasks are completed and deliverables approved by the Highlands Council and/or adopted at the local level, invoices may be submitted to the Highlands Council for reimbursement.



Musconetcong Gorge, Holland Township, Hunterdon County

Following is a summary of grant awards to municipalities for work completed in support of Plan Conformance implementation activities since inception of the Plan Conformance grant program:

- 27 received payments for completion of Environmental Resource Inventories, totaling \$43,741.03 (average of \$1,621/municipality);
- 31 received payments for the successful completion of Master Plan Reexamination Reports and adopted Highlands Master Plan Elements, totaling \$213,093.84 (average of \$6,874/ municipality);
- 21 received payments for the adoption of Highlands-relevant ordinances, totaling \$171,236.62 (average of \$8,155/municipality);
- 8 received payments for the completion of Sustainable Economic Development plans, totaling \$160,203.28 (average of \$20,026/municipality);
- 12 received reimbursements for the completion of Center Planning and Redevelopment Planning initiatives, totaling \$217,326.60 (average of \$18,111/municipality);
- 9 received reimbursement for necessary Zoning Map Updates, totaling \$24,963.04 (average of \$2,774/municipality);
- 6 received reimbursement to complete Land Use Inventories, totaling \$17,558.25 (average of \$2,927/municipality);
- 19 received reimbursement for adopting their Highlands Referral Ordinance, totaling \$20,705.40 (average of \$1,090/municipality); and
- 2 received payments to support the development of Water Use and Conservation Management Plans, totaling \$43,541.76 (average of \$21,771/municipality).
- 24 received payments to support the update to the Municipal Build-Out Report, totaling \$143,276.69 (average of \$5,970/municipality).
- 12 received payments to support the update of the Municipal Fair Share Plan and Housing Element, totaling \$149,918.10 (average of \$12,494/municipality).
- 6 received payments to support the update of the Municipal Implementation Plan and Schedule, totaling \$4,526.25 (average of \$755/municipality).

In 2017 the Highlands Council passed a resolution (2017-14) providing additional support to municipalities in the Region for the development of Water Use and Conservation Management Plans, Wastewater Management Plans, and other plan conformance tasks prioritized by both the municipality and the RMP.

For fiscal year 2018, which began July 1, 2017, the New Jersey State Budget included an appropriation of \$4,400,000 in the Highlands Protection Fund's Incentive Planning Aid and Regional Master Plan Compliance Aid accounts. Of this total, \$2,218,000 was transferred to the Watershed Moratorium Offset Aid account within the Highlands Protection Fund. A balance of

\$2,182,000 remains for Plan Conformance grant activities for FY2018. On October 19, 2017, the Highlands Council passed a Highlands Protection Fund Capital Budget for FY2018, based upon this balance. (Highlands Council resolution 2017-13. See Highlands Council meeting calendar for 2017, October 19 meeting.)



HDC property Mount Olive Township, Morris County

### Wastewater Management Plans and Water Quality Management Plan Amendments

The Water Quality Management Planning Rules (N.J.A.C. 7:15) adopted by the New Jersey Department of Environmental Protection (NJDEP) require that all areas of New Jersey have Wastewater Management Plans (WMP). Where the Highlands Council has approved a Petition for Plan Conformance for an entire municipality (Preservation and Planning Areas), the Highlands Council will assist in development of a municipal WMP for approval and adoption by NJDEP. To date, the Highlands Council has drafted 30 WMPs and will continue to collaborate with other municipalities to complete drafts.

In addition, Highlands Council staff coordinates with NJDEP to provide review and support of WMPs and Water Quality Management Plan (WQMP) site-specific amendments to ensure consistency with the Highlands Act and the RMP.

In 2017, the Highlands Council reviewed and provided comments on 13 proposed WQMP Amendments. One WQMP Amendment (Washington Township, Morris County) was adopted by NJDEP.

### **Project Reviews**

The Highlands Council is legislatively charged with reviewing certain proposed projects throughout the Highlands Region for consistency with the Highlands Act and Highlands Regional Master Plan (RMP). In addition, the Highlands Act charges the New Jersey Department of Environmental Protection (NJDEP) with reviewing certain development in the Preservation Area. The following types of reviews are applicable in the Highlands Region.

**Call Up of Local Government Approvals** – The Highlands Council may review any final local government approval of any application for development in the Preservation Area and has the ability to override the local decision of certain projects meeting the statutory criteria if inconsistent with the RMP.

**Highlands Preservation Area Approvals (HPAA) and HPAAs with Waiver** - A Highlands Preservation Area Approval or HPAA is a permit to engage in a regulated activity in the Highlands Preservation Area. HPAAs are reviewed and issued by the NJDEP pursuant to the Highlands Act and NJDEP regulations. For certain applications, the Highlands Council is also asked to provide review and input. For an HPAA with Redevelopment Waiver, a Highlands Council Redevelopment Area Designation is required prior to application.



Harmony Township, Warren County

**Highlands Redevelopment Area Designation** – When an applicant makes a request to the NJDEP for a Highlands Preservation Area Approval (HPAA) with a waiver of provisions regarding a brownfield or a site with existing impervious cover of 70 percent or more, the Highlands Council will review the proposed Highlands Redevelopment Area. In this case, a Highlands Redevelopment Area Designation is a prerequisite for the NJDEP HPAA with Waiver.

**Highlands Preservation Area Exemption** – Although Preservation Area exemptions are issued by the NJDEP, this jurisdiction is shared with the Highlands Council (Exemptions 9 and 11). In addition, municipal officials can also issue certain common exemptions following completion of a training and certification program provided by the Highlands Council.

**Highlands Planning Area Exemption** – Highlands Planning Area Exemptions may be required for certain development projects in municipalities that have adopted ordinances implementing the Highlands Act in the Planning Area. In addition, municipal officials can also issue certain common exemptions following completion of a training and certification program provided by the Highlands Council.

**Municipal Referral to the Highlands Council** – In municipalities that have adopted a Highlands Land Use ordinance requiring the referral of development applications to the Highlands Council, a Highlands Council Consistency Determination may be required.

**Capital Project Review** - Capital or other projects proposed by State or local governments in the Preservation Area that seek to disturb two acres or more or add one acre or more of impervious surface must receive approval from the Highlands Council. In the Planning Area, any such capital project must also be submitted to the Highlands Council; however, the Council's findings in this case are non-binding.

**Water Allocation Permits** - Operations of public community (governmental or investor-owned) and public non-community water supply systems are regulated by the NJDEP under the Safe Drinking Water Act. The Highlands Council coordinates with the NJDEP on the water allocation permit process as one way to protect existing ground water availability and safe yields.

In 2017, the Highlands Council completed 37 of these types of reviews.

#### **Tracking Project Reviews**

See "Project Review Status and Tracking" on this page of the Highlands Council website: <u>www.nj.gov/njhighlands/projectreview</u>. All project reviews are listed on a tracking sheet. Additional details are provided for project reviews that require a Highlands Council vote.

### Project Review Success Story Redevelopment Area Designation from 2010 comes to fruition: West Milford Library

On June 17, 2017, West Milford held a grand opening for its new library and community center. The new facility includes public meeting rooms, study rooms, and state-of-the-art technology. The project was nearly two decades in the making and involved support from the Highlands Council.

In 2010, West Milford came to the Highlands Council seeking a Redevelopment Area Designation for this project. Because the municipality is located entirely in the Preservation Area, a Highlands

Preservation Area Approval (HPAA) with

Redevelopment Waiver from the New Jersey Department of Environmental Protection (NJDEP) was required, and a Highlands Council Redevelopment Area Designation is a prerequisite for the HPAA.

The Highlands Council first met with officials from West Milford to review the



West Milford Library (credit: West Milford Library Facebook page)

proposed project and discuss the Highlands resources that potentially would be impacted by it. A formal Highlands Consistency Determination Review was completed by Highlands staff to ensure alignment with the goals, policies and objectives and the Highlands Regional Master Plan (RMP), from both a natural resource and smart growth/sustainable economic development perspective. Based on staff recommendations, the Highlands Council approved the Redevelopment Area Designation with conditions. Conditions included mitigation efforts related to additional consumptive water use in a deficit area and encroachment on Highlands Open Water Buffers, and incorporation of low-impact development and stormwater management techniques.

#### Media Coverage of Library Opening:

"New West Milford library opens to full capacity crowd," NorthJersey.com June 19, 2017

#### **Highlands Project Review Materials:**

West Milford Municipal Complex and Public Library, March 2010

### **Outreach and Transparency**

The Highlands Council is committed to an open and transparent public process. The Highlands Council website provides detailed information regarding the work of the Council, including frequently updated tracking sheets, Plan Conformance materials submitted by municipalities and approved by Council, and historical records of the development of the Regional Master Plan and associated materials.

In addition, the Council provides written notice of all public meetings in accordance with the Open Public Meetings Act and posts all meeting agendas (and related materials when available) on its website in advance of meetings. Meeting minutes, meeting audio and all approved resolutions since inception of the Council are also available online. Meeting minutes and notes from all committees are also shared via the website.

The Highlands Council maintains an active Constituent Response program to provide guidance to members of the public regarding the Highlands Act, RMP, and NJDEP Highlands Rules. In 2017, Highlands Council staff responded to more than 200 such inquiries. Since April 2006 the Highlands Council office has handled more than 3,500 constituent inquiries.

Members of the public are invited to track Plan Conformance, Project Review and progress on other Highlands Council work using the tracking sheets referenced throughout this report or by contacting the Highlands Council office.



HDC property, Jefferson Township, Morris County

# Statement of Activities and Financial Report for the period ending December 31, 2017

General Operating Budget FY17 - July 1, 2016 through June 30, 2017	

REVENUES:	
State of New Jersey Appropriation FY17	\$ 2,315,000.00
Balance from FY16	\$ 153,938.61
Miscellaneous Revenues & Reimbursements	\$ 3,604.20
TOTAL	\$ 2,472,542.81
EXPENDITURES:	
Salaries	\$ 1,548,614.04
Materials and Supplies	\$ 30,273.90
Other Operating Expenses	\$ 108,239.45
Maintenance and Repairs	\$ 256,438.33
Equipment, Additions, and Improvements	\$ 101,684.08
Transfer to RMP Account	\$ 311,011.28
Balance through June 30, 2017	<u>\$ 116,281.73</u>
TOTAL	\$ 2,472,542.81
General Operating Budget for Portion of FY18 - July 1, 2017 three REVENUES:	ough December 31, 2017
State of New Jersey Appropriation FY18	\$ 2,315,000.00
Highlands Balance from FY17	\$ 116,281.73
Miscellaneous Revenues & Reimbursements	\$ 3,000.00
TOTAL	\$ 2,434,281.73
EXPENDITURES:	
Salaries	\$ 762,250.59
Materials and Supplies	\$ 12,353.66
Other Operating Expenses	\$ 44,178.10
Maintenance and Repairs	\$ 122,827.65
Equipment, Additions, and Improvements	\$ 21,621.56
Transfer to RMP Account	\$ 6,969.45
Balance through June 30, 2018	<u>\$1,464,080.72</u>
TOTAL	\$ 2,434,281.73
Regional Master Plan Budget for Portion of FY18 - July 1, 2017 REVENUES:	through December 31, 2017
Balance from FY17	\$ 1,611,886.91
Transfer in from Operating Account	\$ 6,969.45
Miscellaneous Revenues & Reimbursements	\$ 2,000.00
TOTAL	\$1,620,856.36
EXPENDITURES:	
Contracts Paid to Date	\$ 18,507.09
Palance on Annuoved Contracts	¢ 200 002 27

Contracts Paid to Date	\$ 18,507.09
Balance on Approved Contracts	\$ 380,892.37
Balance through June 30, 2018	<u>\$ 1,221,456.90</u>
TOTAL	\$ 1,620,856.36

### Highlands Municipalities — Plan Conformance Petition Status

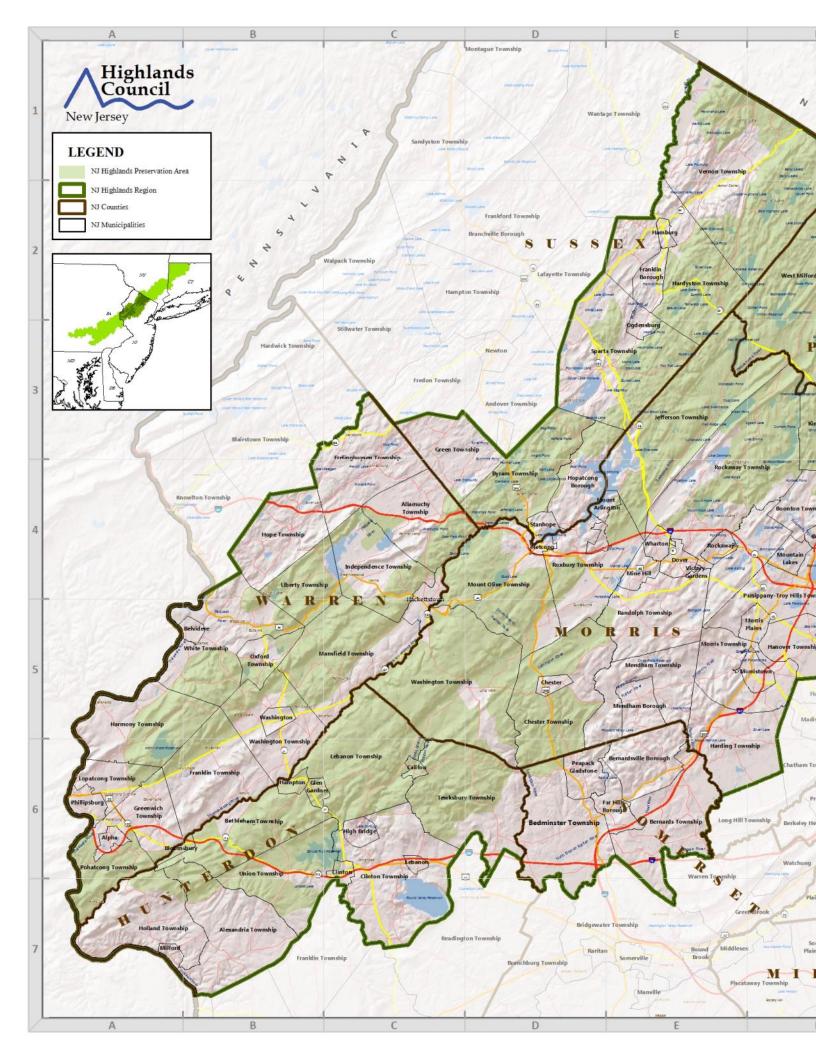
as of December 31, 2017

Blue = Petition includes whole municipality Green = Petition includes Preservation Area lands only

† Municipality has lands in the Planning Area only — Plan Conformance is voluntary \* Municipality is authorized to make determinations regarding certain Highlands Act Exemptions

Bergen County - pending Mahwah Township\* - approved 2010 Oakland Borough – approved 2014, Planning Area rescinded 2017 Hunterdon County - no Petition filed Alexandria Township\* - approved 2012 Bethlehem Township\* - approved 2010 Bloomsbury Borough – *approved 2011* Califon Borough\* – *approved 2010* Clinton Town – approved 2011 Clinton Township\* – approved 2015 Glen Gardner Borough – approved 2010 Hampton Borough - approved 2010, Planning Area rescinded 2017 High Bridge Borough\*† – approved 2011 Holland Township - approved 2011 Lebanon Borough † – approved 2010 Lebanon Township\* – approved 2011 Milford Borough † Tewksbury Township – approved 2011 Union Township - pending Morris County – pending Boonton Town † Boonton Township – approved 2015 Butler Borough † Chester Borough † – *approved 2016* Chester Township\* - approved 2010 Denville Township – approved 2011 Dover † Hanover Township † Harding Township † Jefferson Township\* - approved 2014 Kinnelon Borough – approved 2011 Mendham Borough † Mendham Township † Mine Hill Township † Montville Township\* – approved 2012 Morris Plains Borough † - pending Morris Township † Morristown † Mountain Lakes Borough † Mount Arlington Borough\* – *approved 2011* Mount Olive Township\* – approved 2011 Netcong Borough † Parsippany-Troy Hills Township † - withdrawn Pequannock Township - pending Randolph Township - approved 2013 Riverdale Borough † Rockaway Borough † Rockaway Township - approved 2011

Roxbury Township - approved 2013 Victory Gardens Borough † Washington Township\* – approved 2011 Wharton Borough † – *approved 2011* Passaic County – approved 2010 Bloomingdale Borough - approved 2011, Planning Area withdrawn 2017 Pompton Lakes Borough † Ringwood Borough\* – approved 2011 Wanaque Borough – pending West Milford Township\* - approved 2011 <u>Somerset County</u> – approved 2011 Bedminster Township - approved 2011 Bernards Township † Bernardsville Borough † Far Hills Borough † - pending Peapack Gladstone Borough † Sussex County - pending Byram Township\* - approved 2010 Franklin Borough † Green Township - approved 2011 Hamburg Borough † Hardyston Township\* - approved 2011 Hopatcong Borough\* – *approved 2012* Ogdensburg Borough - approved 2012 Sparta Township\* - approved 2011 Stanhope Borough † – *pending* Vernon Township\* – approved 2012 Warren County – no Petition filed Allamuchy Township\* – approved 2011 Alpha Borough † – *approved 2011* Belvidere † Franklin Township\* – approved 2011 Frelinghuysen Township † Greenwich Township - pending Hackettstown\* – approved 2011 Harmony Township\* - approved 2012 Hope Township † Independence Township - pending Liberty Township – *pending* Lopatcong Township – *approved 2012* Mansfield Township - no Petition filed Oxford Township\* - approved 2011 Phillipsburg + – *approved 2011* Pohatcong Township\* - approved 2011 Washington Borough † Washington Township\* - approved 2011 White Township - pending





#### Alexandria Township, 7B Allamuchy Township, 4C Alpha Borough, 6A Bedminster Township, 6D Belvidere, 5A Bernards Township, 6E Bernardsville Borough, 6E Bethlehem Township, 6B Bloomingdale Borough, 3G Bloomsbury Borough, 6A Boonton, 4F Boonton Township, 4F Butler Borough, 3F Byram Township, 4D Califon Borough, 6C Chester Borough, 5D Chester Township, 5D Clinton, 6C Clinton Township, 7C Denville Township, 4E Dover, 4E Far Hills Borough, 6E Franklin Borough, 2E Franklin Township, 6B Frelinghuysen Township, 4C Glen Gardner Borough, 6B Green Township, 3C Greenwich Township, 6A Hackettstown, 5C Hamburg Borough, 2E Hampton Borough, 6B Hanover Township, 5F Harding Township, 6E Hardyston Township, 2E Harmony Township, 5A High Bridge Borough, 6C Holland Township, 7A Hopatcong Borough, 4D Hope Township, 4B Independence Township, 4C Jefferson Township, 3E Kinnelon Borough, 3F Lebanon Borough, 6C Lebanon Township, 6C

Liberty Township, 4B Lopatcong Township, 6A Mahwah Township, 2H Mansfield Township, 5C Mendham Borough, 5E Mendham Township, 5E Milford Borough, 7A Mine Hill Township, 4E Montville Township, 4F Morris Plains Borough, 5F Morris Township, 5E Morristown, 5F Mount Arlington Borough, 4E Mount Olive Township, 4D Mountain Lakes Borough, 4F Netcong Borough, 4D Oakland Borough, 3G Ogdensburg Borough, 3E Oxford Township, 5B Parsippany-Troy Hills Township, 4F Peapack-Gladstone Borough, 6D Pequannock Township, 4G Phillipsburg, 6A Pohatcong Township, 6A Pompton Lakes Borough, 3G Randolph Township, 5E Ringwood Borough, 2G Riverdale Borough, 3G Rockaway Borough, 4E Rockaway Township, 4E Roxbury Township, 4D Sparta Township, 3E Stanhope Borough, 4D Tewksbury Township, 6C Union Township, 7B Vernon Township, 1E Victory Gardens Borough, 4E Wanaque Borough, 3G Washington Borough, 5B Washington Township (Warren), 5B Washington Township (Morris), 5C West Milford Township, 2F Wharton Borough, 4E White Township, 5B

### **Highlands Municipalities**

# Highlands Development Credit Bank Report

The Highlands Act charged the Highlands Council with developing a Transfer of Development Rights (TDR) program as a way of addressing landowner equity issues while advancing the regional planning goals of the Act (P.L. 2004, c. 120 C.13:20-13). The Council adopted a TDR Program as part of the Highlands Regional Master Plan and established the Highlands Development Credit Bank (HDC Bank) in June 2008.



HDC property, West Milford Township, Passaic County

Through the TDR program, eligible landowners in Sending Zones may apply for and receive Highlands Development Credit (HDC) allocations (reflective of lost development potential), which they can then sell to purchasers who buy the credits. The credits then permit the purchaser to build in a Receiving Zone at a density greater than that permitted in the underlying zoning. Through the end of 2017, the Highlands Council had allocated 2,800 HDCs. Until voluntary Receiving Zones are established, the HDC Bank is serving as the sole purchaser of HDCs.

The HDC Bank is supported in its work by Highlands Council staff and the

Landowner Equity and Land Preservation Committee. In 2017, the HDC Bank held two public meetings, and the Landowner Equity and Land Preservation Committee met twice. Information and materials related to these meetings including agendas, resolutions, and meeting minutes are available on the 2017 calendar page of the Highlands Council website. Additional information regarding the HDC Bank is available via the "Highlands Development Credits (TDR Program)" link on the Highlands Council homepage. (www.nj.gov/njhighlands/hdcbank)

#### **HDC Purchase Program**

In 2016 the HDC Bank launched a new purchase program (N.J.A.C. 7:70). A total of 62 qualifying applications were received through this program and, based on available funding, offers were extended to 28 applicants. In 2017, the HDC Bank authorized extending offers to the remaining 34 applicants to purchase 663.75 HDCs valued at \$10.6 million and representing 1,095

2017 HDC Purchases								
Municipality	County	Block(s)	Lot(s)	Acres	No. of HDCs	Consideration	HDC Bank Purchase Date	
Vernon	Sussex	240	4	118.4	24.75	\$396,000.00	7/20/2017	
Washington Township	Morris	20	52	10.89	3.5	\$56,000.00	8/10/2017	
Oxford Township	Warren	2	12	20.55	12	\$192,000.00	8/11/2017	
Oxford Township	Warren	2	14	34.52	20.5	\$328,000.00	8/11/2017	
Oxford Township	Warren	2	18.03	48.89	23.75	\$380,000.00	8/11/2017	
Washington Township	Warren	4	4	13.83	1.75	\$28,000.00	8/11/2017	
Union Township	Hunterdon	15	1	26.27	5.25	\$84,000.00	8/18/2017	
Jefferson	Morris	387	8	10.27	5.75	\$92,000.00	8/22/2017	
Mount Olive	Morris	5300	16	10.46	29.75	\$476,000.00	10/5/2017	
West Milford	Passaic	11106 40701;	13, 17 21;	1.35	2.5	\$40,000.00	11/2/2017	
Rockaway Township	Morris	40703	8,9	18.1	5.5	\$88,000.00	12/1/2017	
White	Warren	68	59	19.34	8	\$128,000.00	12/5/2017	
Jefferson	Morris	555	4	162.79	147.75	\$2,364,000.00	12/8/2017	
Sparta	Sussex	4 T	45.01 <b>'OTALS</b>	16.84 <b>512.5</b>	18.75 <b>309.5</b>	\$300,000.00 <b>\$4,952,000.00</b>	12/28/2017	

acres. Also in 2017, the HDC Bank completed the purchase of 309.5 HDCs for a total of \$4.9 million representing 512.5 acres.

As of December 31, 2017, the HDC Bank had certified 925 credits, permanently protecting more than 1,100 acres. In addition, through the purchase of 827.75 of those credits the Bank has provided over \$13 million to property owners in the Highlands Region. See HDC Registry, page 21 for more details.

#### **TDR Receiving Zones**

Efforts continued in 2017 toward establishment of voluntary Receiving Zones to support a marketdriven TDR program. Currently eight municipalities are exploring the possibility of establishing a receiving zone through the TDR Feasibility Grant program. These reimbursement-based grants are structured in three phases and include a capacity and site evaluation along with a fiscal analysis. Details regarding the TDR Receiving Zone Feasibility Grant, including a draft scope of work, are available on the Highlands Council website.

#### Highlands Development Credit (HDC) Tracking

The Highlands Council provides tracking of all HDCs, from application through sale, on its website at: <a href="http://www.nj.gov/njhighlands/hdcbank/tracking">www.nj.gov/njhighlands/hdcbank/tracking</a>. Two tracking tools are available: The "HDC Tracking Sheet" tracks all HDC allocation requests and any resulting transactions. The HDC Registry summarizes all closed transactions.

# Highlands Development Credit Bank Registry

As of December 31, 2017

Holder/Owner of HDCs	Municipality	County	Block	Lot(s)	HDC Issuance Date	No. of HDCs	Consideration	Acres
HDC Bank	Bethlehem Twp	Hunterdon	9	6	7/27/2010	4	\$ 64,000.00	15.45
HDC Bank	Washington Twp	Morris	37	4 & 9	8/18/2010	83	\$ 1,328,000.00	93.19
HDC Bank	Mount Olive	Morris	8301	13	4/27/2011	23.25	\$ 372,000.00	2.31
HDC Bank	Oxford	Warren	24	4 & 20	5/3/2011	23.00	\$ 368,000.00	44.13
HDC Bank	White	Warren	16	45	5/3/2011	1.00	\$ 16,000.00	18.29
HDC Bank	West Milford	Passaic	6902	23	12/12/2011	30.25	\$ 484,000.00	6.95
HDC Bank	Independence	Warren	23	3	12/22/2011	24.75	\$ 396,000.00	41.54
HDC Bank	West Milford	Passaic	8002	4	12/22/2011	122.5	\$ 1,960,000.00	26.23
HDC Bank	Washington Twp	Warren	40	33.01	2/24/2012	8	\$ 128,000.00	39.16
HDC Bank	Frankin Twp	Warren	15	11.03	2/24/2012	42	\$ 672,000.00	9.69
HDC Bank	Liberty Twp	Warren	21.01	20.01	7/9/2012	3	\$ 48,000.00	10.54
HDC Bank	Rockaway Twp	Morris	40801	85.01	11/29/2012	27.75	\$ 444,000.00	24.73
HDC Bank	Vernon	Sussex	73	5	3/8/2013	1.75	\$ 28,000.00	17.59
HDC Bank	Washington Twp	Warren	40	109	4/16/2013	2	\$ 32,000.00	4.59
HDC Bank	Bethlehem Twp	Hunterdon	8	11 & 12.01	5/24/2013	20.5	\$ 328,000.00	75.20
HDC Bank	Ringwood Boro	Passaic	877	16	7/19/2013	26.25	\$ 420,000.00	42.36
HDC Bank	Sparta	Sussex	19	110	9/23/2013	63.75	\$ 1,020,000.00	110.69
HDC Bank	White	Warren	16	24, 24.15	9/26/2013	4.5	\$ 72,000.00	14.50
HDC Bank	Sparta	Sussex	35002 (formerly 6.25)	10, 11 (formerly 70.01, 70.02)	12/19/2014	7	\$ 112,000.00	6.00
HDC Bank	Union Twp	Hunterdon	15	1	3/30/2015	1.75	\$ 28,000.00	26.27
HDC Bank	Union Twp	Hunterdon	15	1	3/30/2015	1.75	\$ 28,000.00	-
HDC Bank	Union Twp	Hunterdon	15	1	3/30/2015	1.75	\$ 28,000.00	-
Thomas Wagner	Union Twp	Hunterdon	25	21	12/5/2016	11	-	43.21
LeMad Corporation, Inc.	Clinton Township	Hunterdon	68	6	11/28/2016	86.25	-	9.90
HDC Bank	Oxford Twp	Warren	2	12	8/11/2017	12	\$ 192,000.00	20.55
HDC Bank	Oxford Twp	Warren	2	14	8/11/2017	20.5	\$ 328,000.00	34.52
HDC Bank	Oxford Twp	Warren	2	18.03	8/11/2017	23.75	\$ 380,000.00	48.89
HDC Bank	Wash. Twp (W)	Warren	4	4	8/11/2017	1.75	\$ 28,000.00	13.83
HDC Bank	Wash. Twp (M)	Morris	20	52	8/10/2017	3.5	\$ 56,000.00	10.89
HDC Bank	Vernon	Sussex	240	4	7/20/2017	24.75	\$ 396,000.00	118.40
HDC Bank	Jefferson	Morris	387	8	8/22/2017	5.75	\$ 92,000.00	10.27
HDC Bank	Mount Olive	Morris	5300	16	10/5/2017	29.75	\$ 476,000.00	10.46
HDC Bank	West Milford	Passaic	11106	13, 17	11/2/2017	2.5	\$ 40,000.00	1.35
HDC Bank	Rockaway Twp	Morris	40701; 40703	21; 8, 9	12/1/2017	5.5	\$ 88,000.00	18.10
HDC Bank	White	Warren	68	59	12/5/2017	8	\$ 128,000.00	19.34
HDC Bank	Jefferson	Morris	555	4	12/8/2017	147.75	\$ 2,364,000.00	162.79
HDC Bank	Sparta	Sussex	4	45.01	12/28/2017	18.75	\$ 300,000.00	16.84
L						925.00	\$ 13,244,000.00	1,168.75

#### A Note from Chairman Rilee

It has been an honor to serve the State of New Jersey as Chairman of the Highlands Council, but as of March 16, 2018 I have decided to step down from this position to spend more time with my family.

I would like to commend the Executive Director, Margaret Nordstrom, and all the Highlands staff for the great work they perform in fulfilling the intent of the Act, to preserve and protect our water supply. It was also a pleasure serving with some very dedicated individuals, from both sides of the aisle, in moving forward with the RMP review process and the many agenda items we have worked through the last seven years.

I am proud of the work we were able to get done, of course always wishing we could have done more.

Jim Rilee March 16, 2018



#### State of New Jersey

Highlands Water Protection and Planning Council 100 North Road (Route 513) Chester, New Jersey 07930-2322 (908) 879-6737 (908) 879-4205 (fax) www.nj.gov/njhighlands

